

**REGULAR MEETING MINUTES
TOWN PLAN AND ZONING COMMISSION
JANUARY 6, 2014
LEGISLATIVE CHAMBER
ROOM 314, TOWN HALL, WEST HARTFORD, CT 06107**

ATTENDANCE: Kevin Ahern, Chair; Kevin Prestage; Vice-Chair; Commissioners: Jeff Daniels; Michael Seder; Paul Freeman; Alternates: Liz Gillette; John O'Donnell; Michele Maresca; Todd Dumais, Town Planner/Secretary to TPZ; Cathy Dorau, Associate Planner.

ABSENT: Patrick Alair, Corporation Counsel.

At its annual meeting on Monday, January 6, 2014, the West Hartford Town Plan and Zoning Commission unanimously elected officers and made committee liaison appointments as follows:

- a. Chairman: **Kevin Ahern**
- b. Vice-Chairman: **Kevin Prestage**
- c. Secretary: **Todd Dumais**
- d. Town Council Community Planning and Physical Services Committee:
TPZ Liaison: **Jeffrey Daniels**
Alternate: **Liz Gillette**
- e. Capitol Region Council of Governments: **Kevin Prestage**
Alternate: **Michele Maresca**
- f. Conservation and Environment Commission:
TPZ Liaison: **John O'Donnell**
Alternate: **Paul Freeman**

MINUTES:

Approval of Minutes:

- a. Minutes of Regular Meeting, Monday, December 2, 2013.
(Motion/Daniels; Second/Prestage Vote: 5-0.)
- b. Minutes of Special Meeting, Monday, December 9, 2013.
(Motion/Seder; Second/Daniels Vote: 5-0)

NEW BUSINESS:

141 South Street – Application (SUP #1246) of Seema Mrutunjay Sabarad (Bret Bowin, Architect) seeking a Special Use Permit to convert a 14,000 square foot portion of the 113,510 square foot building for use as a franchised children's party center called "Jump On In".

(Submitted for TPZ receipt on January 6, 2014. Suggest required public hearing be scheduled for February 3, 2014.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Daniels; Second/Prestage) to schedule this matter for public hearing on **Monday, February 3, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

160 South Street – Application (SUP #1247) of the Masonic Building Association of West Hartford Connecticut, LLC (Justin Duffy, Contact) seeking a Special Use Permit to convert the existing building into a Masonic Temple and meeting facility for Wyllys-St. John’s Lodge 4 A.F. & A.M. Additionally, it is the Lodge’s intent to rent approximately 1,235 square feet for a children’s dance school on Wednesday and Saturday. Proposed site improvements include façade changes, additional landscaping elements, lighting and handicapped accessibility. (Submitted for TPZ receipt on January 6, 2014. Suggest required public hearing be scheduled for February 3, 2014.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Prestage; Second/Seder) to schedule this matter for public hearing on **Monday, February 3, 2014 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

OLD BUSINESS SCHEDULED FOR PUBLIC HEARING AND DECISION ON JANUARY 6, 2014:

East of East Maxwell Drive and Rear of 137 North Main Street (aka 139 North Main Street) – Application (IWW #991) of Sard Custom Homes, LLC (Wilson Alford, Jr., Engineer) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on November 4, 2013. Required public hearing scheduled for December 2, 2013. Public hearing postponed to January 6, 2014 at the applicant’s request.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **majority vote (4-1)** (Motion/Daniels; Second/Prestage) (Freeman voted ‘no’) to close the public hearing and table the decision to **Wednesday, January 22, 2014 at 6:00 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

East of East Maxwell Drive and Rear of 137 North Main Street (aka 139 North Main Street) – Application (IWW #992) of Sard Custom Homes, LLC (Wilson Alford, Jr., Engineer) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Trout Brook). The

applicant is proposing a twelve (12) lot subdivision on a 5.53 acre parcel of land and associated site improvements. (Submitted for IWWA receipt on November 4, 2013. Determined to be potentially significant and set for public hearing on December 2, 2013. Public hearing postponed to January 6, 2014 at the applicant's request.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **majority vote (4-1)** (Motion/Daniels; Second/Prestage) (Freeman voted 'no') to continue the public hearing and decision to **Wednesday, January 22, 2014 at 6:00 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

East of East Maxwell Drive and Rear of 137 North Main Street (aka 139 North Main Street) -

Application (SUB #291) of Sard Custom Homes, LLC (Wilson Alford, Jr., Engineer) requesting approval of a twelve (12) lot residential subdivision on 5.53 acres of land located in an R-10 single family zone. The applicant is requesting a waiver to the sidewalk requirement as required by Section A 184-24 of the West Hartford Subdivision Regulations. (Submitted for TPZ receipt on November 4, 2013. Required public hearing scheduled for December 2, 2013. Public hearing postponed to January 6, 2014 at the applicant's request.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **majority vote (4-1)** (Motion/Daniels; Second/Prestage) (Freeman voted 'no') to continue the public hearing and decision to **Wednesday, January 22, 2014 at 6:00 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

188 Westmont - Application (IWW #985) of Linda Congdon (Charles Shimkus, Attorney) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on October 7, 2013. Required public hearing scheduled for November 4, 2013. Public hearing postponed to January 6, 2014 at the applicant's request.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the IWWA acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Seder) to **APPROVE** the subject application. During its discussion and deliberation on this matter, the Agency made the following findings:

- 1. The proposed amendment has been prepared by a certified soil scientist and is based on an on-site soil survey following approved wetland identification techniques.**
- 2. A mylar of the approved wetland map amendment shall be provided to the Town Planning Office for filing in the wetland map files. The approved amendment shall also be submitted in electronic format for inclusion into the Town's Geographic Information System.**

INLAND WETLANDS AND WATERCOURSES PERMIT DENIED:

188 Westmont - Application (IWW #986) of Linda Congdon (Charles Shimkus, Attorney) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant is proposing an approximately 1,800 sf footprint for a new single family dwelling and associated site improvements in the wetland and 150' regulated area. (Submitted for IWWA receipt on October 7, 2013. Determined to be potentially significant and set for public hearing on November 4, 2013. Public hearing postponed to January 6, 2014 at the applicant's request. *Inland Wetlands and Watercourses Permit denied on January 6, 2014. Motion to approve failed Vote: 2-3 Motion/Prestage; Second/Daniels; Ahern & Freeman voted yes.*)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted on a motion for the subject application (Motion/Prestage; Second/Daniels). **The motion to approve failed by a majority vote (2-3) (Prestage, Daniels, Seder voted "no")**. The request for an Inland Wetlands and Watercourses Permit was **DENIED**. During its discussion and deliberation on this matter, the Commission made the following findings:

- 1. The proposed activity will have a significant impact to the wetlands. The proposed tree cutting, grading and development proposed in and around the wetlands will cause a substantial and irreversible loss of the wetlands resource.**

SUBDIVISION APPLICATION DENIED:

188 Westmont - Application (SUB #288) of Linda Congdon (Charles Shimkus, Attorney) requesting approval of a two (2) lot re-subdivision on an approximately 1.52 acre parcel. The proposed lots consist of a 29,900 sf lot with an existing single family home and new lot of 36,680 square feet. The property is located in an R-20 single family zone requiring a minimum lot area of 20,000 sf. (Submitted for TPZ receipt on October 7, 2013. Required public hearing scheduled for November 4, 2013. Public hearing postponed to January 6, 2014 at the applicant's request. *Subdivision application denied on January 6, 2014. Motion to approve failed; Vote:0-5 Motion/Daniels; Second/Prestage.*)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted on a motion for the subject application (Motion/Daniels; Second/Prestage). **The motion to approve failed unanimously (0-5)**. The subdivision plan was **DENIED**.

47 Brookside Boulevard – Application (IWW #946-R1-13) of Daniel Blume, Attorney (Robert Cerciello, R.O.) requesting approval of an Inland Wetlands and Watercourses permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. A permit was granted on January 6, 2010 for regulated activities that have been revised. The applicant is proposing to repair and stabilize an existing stone wall at the bank of Trout Brook, construct a retaining wall at the rear of the house, and remove a portion of an existing retaining wall within the 150' regulated area. (Submitted for IWWA receipt on December 2, 2013. Determined to be potentially significant and set for public hearing on January 6, 2014.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Daniels; Second/Prestage) to continue the public hearing to **Wednesday, January 22, 2014 at 6:00 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

PUBLIC HEARING CLOSED ON DECEMBER 2, 2013; DECISION TABLED TO JANUARY 6, 2014:

35 Mountain Farms Road - Application (SUP #1239) of Avonridge, Inc. (Barbara Maron, R.O.) seeking a Special Use Permit to allow for the creation of one (1) rear lot. The rear lot proposed is approximately 35,000 sf. The R-20 zone requires rear lots to contain a minimum lot area of 30,000 sf. (Submitted for TPZ receipt on October 7, 2013. Required public hearing scheduled for November 4, 2013. Public hearing continued to December 2, 2013. Public hearing closed on December 2, 2013 and decision tabled to January 6, 2014.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **majority vote (4-1)** (Motion/Freeman; Second/Prestage)(O'Donnell seated for Seder) (O'Donnell voted "no") to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.

- c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. As offered by the applicant during the hearing, it shall have a licensed arborist inspect the tree root system for all of the trees along the westerly edge of the existing driveway and shall evaluate the proposed impact of the expanded driveway on said root systems. This evaluation shall be submitted to the Town Planner for review. If it is determined by the arborist that the proposed driveway expansion will cause damage to the existing trees, the applicant shall expand the driveway to the east by removing any portions of the existing retaining wall to accommodate the required driveway width.
3. The form of legal documents conveying the lots to occupants of the homes to be constructed thereupon shall be reviewed by the Corporation Counsel to ensure that:
 - a. Both lots are subject to appropriate easements which ensure that the lot owners have adequate rights to operate, maintain and repair the driveway that services the lots.
 - b. Suitable references are made therein to alert purchasers of the new lot to the need for regular maintenance of the storm sewer system.
 - c. A right to drain easement shall be provided for the new lot over the proposed common driveway.

TOWN COUNCIL REFERRAL AND REQUEST FOR REPORT:

1455- 1459 New Britain Avenue (Corbins Corner) - Application (SDD #6-R1-13) of FW CT- Corbins Corner Shopping Center, LLC, owner of 1459 New Britain Avenue known as Corbins Corner Shopping Center to amend SDD #6 to construct a free-standing retail building of approximately 6,051 square feet for Jared The Galleria of Jewelry (“Jared”) close to New Britain Avenue and just to the north of the main entrance into the Center. The applicant requests a waiver of the Section 177-44C (1)(a). No changes are proposed for the Sears-owned parcel by this Application. (Town Council receipt on December 10, 2013. DRAC receipt on December 19, 2013. TPZ receipt on January 6, 2013; receipt postponed to January 22, 2014. Town Council public hearing scheduled for January 28, 2014.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Freeman; Second/Daniels)(Gillette seated for Prestage)(O’Donnell seated for Seder) to **RECOMMEND APPROVAL** of the subject application.

During its discussion and deliberation on this matter, the Commission made the following findings which it has prepared for the Council’s consideration:

1. The Commission notes that proposed location of the new retail building is a good fit and is compatible with both the main plaza and associated “out-buildings”.

Ordinance – Amending Town of West Hartford Zoning Map – Proposed zoning map amendment for seven (7) parcels of land near Farmington Avenue that are currently used as single family homes but which are zoned for possible multifamily development. The proposed ordinance amends the zoning designations for these parcels to be consistent with both their actual use and with the abutting single family zones. (Town Council receipt on December 10, 2013. TPZ receipt on January 6, 2013. Town Council public hearing scheduled for January 14, 2014.)

After a detailed review of the proposed ordinance, the TPZ acted by **unanimous vote (5-0)** (Motion/Daniels; Second/Prestage) to **RECOMMEND APPROVAL** of the subject ordinance.

Ordinance - Extending Jurisdiction of the Design Review Advisory Committee (DRAC) – Proposed ordinance to authorize the TPZ or the Town Planner to refer to DRAC any application which has been submitted to them provided, however, that no such referral shall extend the time periods within which the TPZ or Town Planner must act on any such application. Section 177-55 of the West Hartford Code of Ordinances will be repealed and language extending their jurisdiction included. (Town Council receipt on December 10, 2013. TPZ receipt on January 6, 2013. Town Council public hearing scheduled for January 14, 2014.)

After a detailed review of the proposed ordinance, the TPZ acted by **unanimous vote (5-0)** (Motion/Daniels; Second/Seder) to **RECOMMEND APPROVAL** of the subject ordinance.

Ordinance - Limiting the Development of Property which Crosses Zoning District Boundaries – Proposed ordinance to deal with property consolidation that results in a split-zoned parcel configuration. The portion of the consolidated parcel within each separate zoning district shall be required to demonstrate compliance with each provision separately as if each portion constituted a separate lot and the zoning district boundaries will remain in full effect. This shall not apply to the RP zoning district. (Town Council receipt on December 10, 2013. Town Council public hearing scheduled for January 14, 2014.)

After a detailed review of the proposed ordinance, the TPZ acted by **unanimous vote (5-0)** (Motion/Daniels; Second/Prestage) to **RECOMMEND APPROVAL** of the subject ordinance.

Motion was made by Commissioner Daniels to adjourn; second by Commissioner Prestage. Vote: (5-0) unanimously approved. Meeting adjourned approximately at 1:25 a.m.

Respectfully submitted,
Christine Campasano, Recording Clerk